



0000048104

ORIGINAL

BEFORE THE ARIZONA CORPORATION COMMISSION

306m

COMMISSIONERS

JEFF HATCH-MILLER, Chairman
 WILLIAM A. MUNDELL
 MARC SPITZER
 MIKE GLEASON
 KRISTIN K. MAYES

2006 APR 25 P 4: 13

AZ CORP COMMISSION
 DOCUMENT CONTROL

IN THE MATTER OF THE COMMISSION
 ON ITS OWN MOTION INVESTIGATING
 THE FAILURE OF NUMEROUS UTILITIES
 TO FILE ANNUAL REPORTS FOR
 CALENDAR YEAR 2002.

DOCKET NO. C-00000A-06-0195

**STAFF'S AMENDED
 COMPLAINT AND PETITION FOR
 ORDER TO SHOW CAUSE**

Arizona Corporation Commission Staff hereby provides notice that it is filing the attached
 complaint and petition for order to show cause.

DOCKET NO	COMPANY NAME
T-04017A	AMIGA ENTERPRISES
W-02026A	BIDEGAIN WATER COMPANY
T-03942A	COMTEL NETWORK, LLC
E-03829A	CSC ENERGY SERVICES, INC.
W-03537A	DATELAND UTILITIES
T-02940A	DILLON ENTERPRISES
T-03482A	DISCOUNT UTILITIES, LLC
T-03021A	E.SPIRE
W-03948A	EMPIRITA WATER COMPANY, LLC
T-03220A	ETI - TELECOMMUNICATIONS
T-03836A	EXCELL AGENT SERVICES, LLC
T-03833A	EZTEL NETWORK SERVICES, LLC
W-04120A	GRAND CANYON CAVERNS AND INN, LLC
W-02271A	GREEN ACRES WATER COMPANY
T-03251A	GROUP LONG DISTANCE, INC.
E-03671A	IMSERV NORTH AMERICA, LLC
W-01557A	LAKE VERDE WATER COMPANY
W-02504A	MEADOW WATER COMPANY
T-03244A	METROPHONE TELECOMMUNICATIONS, INC.
T-02939A	MTV WORLD PAYPHONES
T-03821A	NAS
T-03878A	NATEL, LLC
E-03646A	NEV SOUTHWEST, LLC
T-03380A	NORTH AMERICAN COMMUNICATIONS CONTROL, INC.
W-04069A	OATMAN WATER COMPANY, LLC
T-03737A	PROMISE-NET INTERNATIONAL, LTD.

1	T-03928A	RAPTEL COMMUNICATIONS, LLC
2	W-02003A	RILLITO WATER USERS ASSOCIATION
3	W-01084A	SALOME WATER COMPANY
4	W-02262A	SONOITA VALLEY WATER COMPANY
5	W-02017A	SOUTHERN WATER CORPORATION
6	T-03650A	SPECIAL ACCOUNTS BILLING GROUP, INC.
7	W-01407A	STRAWBERRY WATER COMPANY
8	W-02386A	SUN LEISURE ESTATES UTILITIES COMPANY, INC.
9	T-04167A	TELEGLOBE USA LLC
10	T-03262A	TELE-PRO INDEPENDENT CONTRACTORS, LLC
11	T-02885A	TRATTORIA PINA
12	W-02419A	TUBAC WATER COMPANY, INC.
13	T-03558A	UNITED STATES TELECOMMUNICATIONS, INC.
14	SW-03437A	VERDE SANTA FE WASTEWATER CO., INC.
15	W-02274A	VERDE WEST IRRIGATION
16	T-03988A	WILSHIRE CONNECTION, LLC
17	T-03165A	ZENEX LONG DISTANCE, INC.

12 The Arizona Corporation Commission (Commission), for its Complaint, alleges as follows:

13 I

14 The Commission is an agency of the State of Arizona, existing by virtue of Article 15 of
15 the Arizona Constitution.

16 II

17 Respondents are public service corporations as defined by Article 15, Section 2 of the
18 Arizona Constitution, and were issued Certificates of Convenience and Necessity in accordance
19 with Arizona Revised Statutes Section 40-281.

20 III

21 As public service corporations, respondents are subject to the jurisdiction of the
22 Commission with regard to the matters herein alleged.

23 IV

24 This Complaint is initiated and authorized pursuant to Arizona Revised Statutes, Sections
25 40-202, 40-204, 40-425, 40-426, and Arizona Administrative Code R14-2-411.D.4, R14-2-
26 510.G.4, R14-2-610.D.4., R14-2-907.A., R14-2-1011.A., and R14-2-1115.F.

27 ...

28 ...

V

Investigation by the Commission's Staff (Staff) reveals and the Commission alleges that Respondents have violated Arizona Revised Statutes and Commission Rules. The Commission alleges the following in support of its claim:

- A. Pursuant to Arizona Revised Statutes Section 40-204 and Arizona Administrative Code R14-2-411.D.4, R14-2-510.G.4, R14-2-610.D.4., R14-2-907.A., R14-2-1011.A., and R14-2-1115.F., all public service corporations in Arizona are required to file an annual report on or before April 15 of each year.
- B. Despite repeated attempts by the Staff to persuade Respondents to file such reports, Respondents have failed to do so and are thus in violation of Arizona Revised Statutes Section 40-204 and Arizona Administrative Code, R14-2-411.D.4, R14-2-510.G.4, R14-2-610.D.4., R14-2-907.A., R14-2-1011.A., and R14-2-1115.F.
- C. Pursuant to Arizona Revised Statutes Section 40-204, Respondents are in contempt of the Commission for their failure to comply with the aforementioned rules and requirements of the Commission.

VI

The violations of Respondents to the aforementioned rules and requirements, as alleged herein, constitutes grounds to assess a civil penalty against Respondents pursuant to Arizona Revised Statutes Section 40-424 and 40-425, in an amount not less than \$100 nor more than \$5,000 for each violation, and/or revoke respondents certificate of convenience and necessity.

RESPECTFULLY SUBMITTED this 29th day of March, 2006.

David Ronald

David M. Ronald
Attorney, Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007
(602) 542-3402

1 Original and thirteen (13) copies
2 of the foregoing were filed this
25th day of April, 2006 with:

3 Docket Control
4 Arizona Corporation Commission
1200 West Washington Street
5 Phoenix, Arizona 85007

6 Copy of the foregoing mailed this
25th day of April, 2006 to:

7 Amiga Enterprises
8 3852 E. Dulciana Avenue
Mesa, AZ 85206

Lawrence V. Robertson, Jr.
MUNGER CHADWICH
PO Box 1448

9
10 Bidegain Water Company
PO Box 538
11 Kearny, AZ 85237

Tubac, AZ 85646
Attorney for Empirita Water Company, LLC
ETI – Telecommunications
9500 Toledo Way
Irvine, CA 92618

12 Monica Borne Haab
13 3500 N Causeway Blvd., Suite 1442
Metairie, LA 70002
14 Attorney for Comtel Network, LLC

Cara Sheppard
1400 16th Street NW
Washington, DC 20036
Attorney for Excell Agent Services, LLC

15 Scott P Klurfeld
16 3000 K Street NW, Suite 300
Washington, DC 20007-5116
17 Attorney for CSC Energy Services, Inc.

Lance J.M. Steinhart
1720 Windward Concourse, Suite 250
Alpharetta, GA 30005
Attorney for ezTel Network Services, LLC

18 Dateland Utilities
19 PO Box 3250
Dateland, AZ 85333

Daniel A. Sweester
ROBINSON, WATERS & O'DORISIO
1099 18th Street, Suite 2600
Denver, CO 80202
Attorney for Grand Canyon Caverns

20 Dillon Enterprises
21 14490 E Elgin St
Gilbert, AZ 85296

22 Mark Nyhus
23 4312 92nd Ave NW
Gig Harbor, WA 98335
24 Attorney for Discount Utilities, LLC

Green Acres Water Company
2300 W. 32nd Street
Yuma, AZ 85364

25 E.spire
26 7125 Columbia Gateway Dr., Suite 200
Columbia, MD 21046

Ellen Ann G. Sands
3500 N Causeway Blvd., Suite 1442
Metairie, LA 70002
Attorney for Group Long Distance, Inc.

1	Sanford J. Asman	Salome Water Company
2	570 Vinbington Ct	PO Box 550
3	Dunwoody, CA 30350	Salome, AZ 85348
4	Attorney for IMServ North America, LLC	
5	Lake Verde Water Company	Mr. E.H. "Buck" Lewis
6	PO Box 2777	PO Box 85160
7	Camp Verde, AZ 86322	Tucson, AZ 85754
8	Meadow Water Company	Formerly Sonoita Valley Water
9	PO Box 2777	
10	Prescott, AZ 86302	Southern Water Corporation
11	Metrophone Telecommunications, Inc.	PO Box 43636
12	2020 - 124 th Ave. NE C-103	Tucson, AZ 85733-3636
13	Bellevue, WA 98005	
14	NAS	Patrick D. Crocker
15	13650 Dulles Technology Drive	1483 Chain Bridge Road, Suite 300
16	Herndon, VA 20171	McLean, VA 22101
17	Lance J.M. Steinhart	Attorney for Special Accounts Billing Group
18	1720 Windward Concourse, Suite 250	
19	Alpharetta, GA 30005	Strawberry Water Company
20	Attorney for Natel, LLC	RT. 1, Box 702
21	NEV Southwest, LLC	Strawberry, AZ 85544
22	350 S. Grand Ave., Suite 2950	
23	Los Angeles, CA 90071	Sun Leisure Estates Utilities Company, Inc.
24	Oatman Water Company, LLC	c/o Crites & Associates
25	9184 N. 81 st Street	PO Box 5681
26	Phoenix, AZ 85258	Yuma, AZ 85366
27	Gayle Riekens	
28	3220 Uddenburg Lane, Suite 4	Tele-Pro Independent Contractors, LLC
	Gig Harbor, WA 98335	3331 E. Waltann Lane
	Attorney for Promise-Net International, Ltd.	Phoenix, AZ 85032
	David O. Klein	
	485 Madison Avenue, 15 th Floor	Trattoria Pina
	New York, NY 10022-5803	5541 N. Swan Rd.
	Attorney for Raptel Communications, LLC	Tucson, AZ 85718
	Rillito Water Users Association	
	PO Box 668	Tubac Water Company, Inc.
	Rillito, AZ 85654	Attn: Spencer Smith
		2525 E. Broadway #200
		Tucson, AZ 85716
		Glenn S. Richards
		2001 Pennsylvania Ave NW, Suite 400
		Washington, DC 20006-1851
		Attorney for United States
		Telecommunications

Page 6

David W. Aduddell
3705 W Memorial
Oklahoma City, OK 73134
Attorney for Zenex Long Distance, Inc



1 Jason Williamson
2 11593 S. Fortuna Rd
3 Yuma, AZ 85367
4 Attorney for Verde Santa Fe Wastewater Co.

5 Verde West Irrigation
6 PO Box 744
7 Camp Verde, AZ 86322

8 Lance J.M. Steinhart
9 1720 Windward Concourse, Suite 250
10 Alpharetta, GA 30005
11 Attorney for Wilshire Connection, LLC
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 JEFF HATCH-MILLER - Chairman
4 MARC SPITZER
5 WILLIAM A. MUNDELL
6 MIKE GLEASON
7 KRISTIN K. MAYES

8 IN THE MATTER OF THE COMMISSION ON)
9 ITS OWN MOTION INVESTIGATING THE)
10 FAILURE OF NUMEROUS UTILITIES TO)
11 FILE ANNUAL REPORTS FOR CALENDAR)
12 YEAR 2002.)

DOCKET NO C-00000A-06-0195

DECISION NO. _____

ORDER TO SHOW CAUSE

13 **Open Meeting**
14 **May 2 and 3, 2006**
15 **Phoenix, Arizona**

16 **BY THE COMMISSION**

17 The Arizona Corporation Commission ("Commission"), hereby issues this Order to Show
18 Cause against the following respondents:

DOCKET NO	COMPANY NAME
T-04017A	AMIGA ENTERPRISES
W-02026A	BIDEGAIN WATER COMPANY
T-03942A	COMTEL NETWORK, LLC
E-03829A	CSC ENERGY SERVICES, INC.
W-03537A	DATELAND UTILITIES
T-02940A	DILLON ENTERPRISES
T-03482A	DISCOUNT UTILITIES, LLC
T-03021A	E.SPIRE
W-03948A	EMPIRITA WATER COMPANY, LLC
T-03220A	ETI - TELECOMMUNICATIONS
T-03836A	EXCELL AGENT SERVICES, LLC
T-03833A	EZTEL NETWORK SERVICES, LLC
W-04120A	GRAND CANYON CAVERNS AND INN, LLC
W-02271A	GREEN ACRES WATER COMPANY
T-03251A	GROUP LONG DISTANCE, INC.
E-03671A	IMSERV NORTH AMERICA, LLC
W-01557A	LAKE VERDE WATER COMPANY
W-02504A	MEADOW WATER COMPANY
T-03244A	METROPHONE TELECOMMUNICATIONS, INC.
T-02939A	MTV WORLD PAYPHONES

1	T-03821A	NAS
2	T-03878A	NATEL, LLC
3	E-03646A	NEV SOUTHWEST, LLC
4	T-03380A	NORTH AMERICAN COMMUNICATIONS CONTROL, INC.
5	W-04069A	OATMAN WATER COMPANY, LLC
6	T-03737A	PROMISE-NET INTERNATIONAL, LTD.
7	T-03928A	RAPTEL COMMUNICATIONS, LLC
8	W-02003A	RILLITO WATER USERS ASSOCIATION
9	W-01084A	SALOME WATER COMPANY
10	W-02262A	SONOITA VALLEY WATER COMPANY
11	W-02017A	SOUTHERN WATER CORPORATION
12	T-03650A	SPECIAL ACCOUNTS BILLING GROUP, INC.
13	W-01407A	STRAWBERRY WATER COMPANY
14	W-02386A	SUN LEISURE ESTATES UTILITIES COMPANY, INC.
15	T-04167A	TELEGLOBE USA LLC
16	T-03262A	TELE-PRO INDEPENDENT CONTRACTORS, LLC
17	T-02885A	TRATTORIA PINA
18	W-02419A	TUBAC WATER COMPANY, INC.
19	T-03558A	UNITED STATES TELECOMMUNICATIONS, INC.
20	SW-03437A	VERDE SANTA FE WASTEWATER CO., INC.
21	W-02274A	VERDE WEST IRRIGATION
22	T-03988A	WILSHIRE CONNECTION, LLC
23	T-03165A	ZENEX LONG DISTANCE, INC.

FINDINGS OF FACT

The Arizona Corporation Commission (Commission), for its Complaint, alleges as follows:

I

The Commission is an agency of the State of Arizona, existing by virtue of Article 15 of the Arizona Constitution.

II

Respondents are public service corporations as defined by Article 15, Section 2 of the Arizona Constitution, and were issued Certificates of Convenience and Necessity in accordance with Arizona Revised Statutes Section 40-281.

III

As public service corporations, respondents are subject to the jurisdiction of the Commission with regard to the matters herein alleged.

...

...

IV

This Complaint is initiated and authorized pursuant to Arizona Revised Statutes, Sections 40-202, 40-204, 40-425, 40-426, and Arizona Administrative Code R14-2-411.D.4, R14-2-510.G.4, R14-2-610.D.4., R14-2-907.A., R14-2-1011.A., and R14-2-1115.F.

V

Investigation by the Commission's Staff (Staff) reveals and the Commission alleges that Respondents have violated Arizona Revised Statutes and Commission Rules. The Commission alleges the following in support of its claim:

- A. Pursuant to Arizona Revised Statutes Section 40-204 and Arizona Administrative Code R14-2-411.D.4, R14-2-510.G.4, R14-2-610.D.4., R14-2-907.A., R14-2-1011.A., and R14-2-1115.F., all public service corporations in Arizona are required to file an annual report on or before April 15 of each year.
- B. Despite repeated attempts by the Staff to persuade Respondents to file such reports, Respondents have failed to do so and are thus in violation of Arizona Revised Statutes Section 40-204 and Arizona Administrative Code, R14-2-411.D.4, R14-2-510.G.4, R14-2-610.D.4., R14-2-907.A., R14-2-1011.A., and R14-2-1115.F.
- C. Pursuant to Arizona Revised Statutes Section 40-204, Respondents are in contempt of the Commission for their failure to comply with the aforementioned rules and requirements of the Commission.

VI

The violations of Respondents to the aforementioned rules and requirements, as alleged herein, constitutes grounds to assess a civil penalty against Respondents pursuant to Arizona Revised Statutes Section 40-424 and 40-425, in an amount not less than \$100 nor more than \$5,000 for each violation, and/or revoke respondents certificate of convenience and necessity.

...

...

...

...

...

...

...

ORDER

THEREFORE, IT IS ORDERED, that Respondents appear before the Arizona Corporation Commission at a time and place designated by the Commission's Hearing Division and show cause why the Commission should not find Respondents in violation and contempt of Arizona Laws and Commission rules, and show cause why the Commission should not assess against Respondents penalties as provided in Arizona Revised Statutes Sections 40-424 and 40-425, or cancel the respondents certificate of convenience and necessity.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY THE ORDER OF THE ARIZONA CORPORATION COMMISSION

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I BRIAN C. McNEIL, Executive Director of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this _____ day of _____, 2006.

BRIAN C. McNEIL
Executive Director

DISSENT: _____

DISSENT: _____

EGJ:CCK/DMR/sab

Decision No. _____

1 SERVICE LIST FOR: DOCKET NO. C-00000A-06-0195 ET.AL.

2 Amiga Enterprises
3 3852 E. Dulciana Avenue
4 Mesa, AZ 85206

4 Bidegain Water Company
5 PO Box 538
6 Kearny, AZ 85237

6 Monica Borne Haab
7 3500 N Causeway Blvd., Suite 1442
8 Metairie, LA 70002
9 Attorney for Comtel Network, LLC

9 Scott P Klurfeld
10 3000 K Street NW, Suite 300
11 Washington, DC 20007-5116
12 Attorney for CSC Energy Services, Inc.

11 Dateland Utilities
12 PO Box 3250
13 Dateland, AZ 85333

13 Dillon Enterprises
14 14490 E Elgin St
15 Gilbert, AZ 85296

15 Mark Nyhus
16 4312 92nd Ave NW
17 Gig Harbor, WA 98335
18 Attorney for Discount Utilities, LLC

17 E.spire
18 7125 Columbia Gateway Dr., Suite 200
19 Columbia, MD 21046

19 Lawrence V. Robertson, Jr.
20 MUNGER CHADWICH
21 PO Box 1448
22 Tubac, AZ 85646
23 Attorney for Empirita Water Company, LLC

22 ETI - Telecommunications
23 9500 Toledo Way
24 Irvine, CA 92618

24 Cara Sheppard
25 1400 16th Street NW
26 Washington, DC 20036
27 Attorney for Excell Agent Services, LLC

27 Lance J.M. Steinhart
28 1720 Windward Concourse, Suite 250
Alpharetta, GA 30005
Attorney for ezTel Network Services, LLC

Daniel A. Sweester
ROBINSON, WATERS & O'DORISIO
1099 18th Street, Suite 2600
Denver, CO 80202
Attorney for Grand Canyon Caverns

Green Acres Water Company
2300 W. 32nd Street
Yuma, AZ 85364

Ellen Ann G. Sands
3500 N Causeway Blvd., Suite 1442
Metairie, LA 70002
Attorney for Group Long Distance, Inc.

Sanford J. Asman
570 Vinbington Ct
Dunwoody, CA 30350
Attorney for IMServ North America, LLC

Lake Verde Water Company
PO Box 2777
Camp Verde, AZ 86322

Meadow Water Company
PO Box 2777
Prescott, AZ 86302

Metrophone Telecommunications, Inc.
2020 - 124th Ave. NE C-103
Bellevue, WA 98005

NAS
13650 Dulles Technology Drive
Herndon, VA 20171

Lance J.M. Steinhart
1720 Windward Concourse, Suite 250
Alpharetta, GA 30005
Attorney for Natel, LLC

NEV Southwest, LLC
350 S. Grand Ave., Suite 2950
Los Angeles, CA 90071

Oatman Water Company, LLC
9184 N. 81st Street
Phoenix, AZ 85258

Gayle Riekema
3220 Uddenburg Lane, Suite 4
Gig Harbor, WA 98335
Attorney for Promise-Net International, Ltd.

- 1 David O. Klein
485 Madison Avenue, 15th Floor
2 New York, NY 10022-5803
Attorney for Raptel Communications, LLC
- 3 Rillito Water Users Association
4 PO Box 668
Rillito, AZ 85654
- 5 Salome Water Company
6 PO Box 550
Salome, AZ 85348
- 7 Mr. E.H. "Buck" Lewis
8 PO Box 85160
Tucson, AZ 85754
9 Formerly Sonoita Valley Water
- 10 Southern Water Corporation
PO Box 43636
11 Tucson, AZ 85733-3636
- 12 Patrick D. Crocker
1483 Chain Bridge Road, Suite 300
13 McLean, VA 22101
Attorney for Special Accounts Billing Group
- 14 Strawberry Water Company
15 RT. 1, Box 702
Strawberry, AZ 85544
- 16 Sun Leisure Estates Utilities Company, Inc.
17 c/o Crites & Associates
PO Box 5681
18 Yuma, AZ 85366
- 19
20
21
22
23
24
25
26
27
28
- Tele-Pro Independent Contractors, LLC
3331 E. Waltann Lane
Phoenix, AZ 85032
- Trattoria Pina
5541 N. Swan Rd.
Tucson, AZ 85718
- Tubac Water Company, Inc.
Attn: Spencer Smith
2525 E. Broadway #200
Tucson, AZ 85716
- Glenn S. Richards
2001 Pennsylvania Ave NW, Suite 400
Washington, DC 20006-1851
Attorney for United States
Telecommunications
- Jason Williamson
11593 S. Fortuna Rd
Yuma, AZ 85367
Attorney for Verde Santa Fe Wastewater Co.
- Verde West Irrigation
PO Box 744
Camp Verde, AZ 86322
- Lance J.M. Steinhart
1720 Windward Concourse, Suite 250
Alpharetta, GA 30005
Attorney for Wilshire Connection, LLC
- David W. Aduddell
3705 W Memorial
Oklahoma City, OK 73134
Attorney for Zenex Long Distance, Inc.
-